

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19667 of 2020

Arising Out of PS. Case No.-7 Year-2017 Thana- JALE District- Darbhanga

Sonu Singh @ Chiranjiv Singh Son of Birendar Kumar Singh @ Girendar
Kumar Singh Resident of Village - Jogiara, P.S.- Jalley, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 17-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 400, 401,



413 and 414 of the Indian Penal Code.

The prosecution case, as per the written report of Ram Kishore Sharma, Station House Officer, Jalley Police Station submitted to the learned Chief Judicial Magistrate, Darbhanga, is to the effect that during investigation of Jalley P.S. Case No. 186 of 2016 registered for the offences punishable under Sections 461/379 of the Indian Penal Code, one Sunil Mandal was apprehended, who disclosed that he committed the offence of theft at several places in several States and used to sell the stolen articles. He also disclosed the name of 10 persons including the petitioner, who were in his gang for committing theft.

It is submitted by learned counsel for the petitioner that only on the statement before the police by the co-accused, the petitioner has been roped in the present case. Neither any recovery from co-accused Sunil Mandal nor any recovery from the petitioner. Though the petitioner is accused in one another case in which he has been acquitted.

Learned APP submits that the name of the petitioner sprang up in the statement of the co-accused.

Considering the fact that the name of the petitioner sprang up in the statement of the co-accused and there is no



recovery from the petitioner, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No. 07 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No. 07 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the



court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

However, the petitioner will cooperate in the investigation since the case was registered in 2017 and investigation is still pending and in case of any report by the police to the effect that the petitioner is not cooperating in the investigation, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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